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JAMES BONINI
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OHIO
WEST DIV CINCINNATI

ST. PAUL FIRE AND MARINE)	Case No. C-1-01-0096.
INSURANCE COMPANY)	
SECURITY INSURANCE COMPANY OF)	Judge Beckwith
HARTFORD)	
GREENWICH INSURANCE COMPANY)	Magistrate Judge Hogan
CONTINENTAL CASUALTY COMPANY)	
FIREMAN'S FUND INSURANCE COMPANIES)	
and)	
FEDERAL INSURANCE COMPANY)	
)	MOTION OF THIRD-PARTY DEFENDANT
Plaintiffs)	SMITH, STEVENS & YOUNG, INC. FOR
)	EXTENSION OF TIME TO FILE A
vs.)	MEMORANDUM IN OPPOSITION TO THE
)	MOTION OF HOLLAND ROOFING, INC.
KAJIMA CONSTRUCTION SERVICES, INC.)	TO PRECLUDE EXPERT TESTIMONY
)	
Defendant)	
)	
and)	
)	
KAJIMA CONSTRUCTION SERVICES, INC.)	
)	
Defendant/Third-Party Plaintiff)	
)	
vs.)	
)	
SMITH, STEVENS & YOUNG, INC.)	
and)	
HOLLAND ROOFING OF CINCINNATI, INC.)	
)	
Third-Party Defendants)	

MOTION

Third-party defendant Smith, Stevens & Young, Inc. ("SS&Y") hereby moves the Court for an order extending its time within which to file a memorandum opposing the motion of Holland Roofing of Cincinnati, Inc. ("Holland") to preclude the expert testimony of Elmer Obermeyer for 19 days until and including December 24, 2003, upon the grounds set forth in the following Memorandum In Support of Motion.

MEMORANDUM IN SUPPORT OF MOTION

Holland is a third-party defendant on the third-party complaint filed by defendant Kajima Construction Services, Inc. ("Kajima") which is a defendant on the original complaint filed in this action filed by the five insurance company plaintiffs. James Montgomery, attorney for Kajima, has advised the undersigned counsel that Kajima has reached a settlement with the five original plaintiffs and Holland. Holland was a defendant to the complaint filed by intervening plaintiff Federal Insurance Company but was dismissed by this Court's grant of summary judgment.

Therefore, it is the undersigned counsel's understanding that Holland is no longer a party to this action although it has not yet been dismissed of record. However, A. Dennis Miller, attorney for Holland, advised the undersigned counsel that Holland had no objection to such extension of time since Holland's motion will become moot upon Holland's dismissal as a result of the settlement.

In addition, counsel for SS&Y is presently attempting to negotiate a settlement on behalf of SS&Y.

In view of the foregoing settlement and settlement negotiations, SS&Y requests such extension in order to conserve the remaining proceeds under its professional liability insurance

policy which is its only asset subject to the claims against it in this action since SS&Y is in bankruptcy.

The hearing on the motion is set for January 9, 2004 and this extension will not prejudice any party since, as set forth above, Holland's counsel has advised that Holland has no objection to such motion.

SS&Y's motion should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary L. Herfel", is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

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CERTIFICATE OF SERVICE

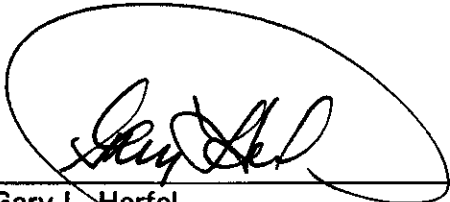
I certify that a copy of the foregoing was served by ordinary U.S. Mail, postage prepaid, on the 5th day of December, 2003, upon the following:

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